

Affidavit of Publication

STATE OF IDAHO
County of Benewah, ss.

JoJane Hammes, being first duly sworn on oath, deposes and says that she is co-publisher and business manager of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah county, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of the notice of advertisement hereon.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of ~~two~~ ^{two} issues, the first publication being on the ~~26th~~ ^{26th} day of ~~July~~ ^{July}, 19~~73~~ ⁷³ and the last on the ~~2nd~~ ^{2nd} day of ~~August~~ ^{August}, 19~~73~~ ⁷³.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

Subscribed and sworn to before me this ~~10th~~ ^{10th} day of ~~August~~ ^{August}, 19~~73~~ ⁷³

Ora Lyon
Notary Public in and for Benewah County, Idaho
Residing at St. Maries, Idaho

RECEIVED

AUG 13 1973

Department of Water Administration
Northern District Office

NOTICE OF CLAIM
TO A WATER RIGHT

NO. 91-4003

Notice is hereby given that Frank &-or Katherine Witherell, Route No. 3, St. Maries, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from an Unnamed Spring with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, T. 46N, R. 1E, B.M., Benewah County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1969; the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, T. 46N, R. 1E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the St. Maries Gazette Record, St. Maries, Idaho on July 26 and August 2, 1973.

No. 2694 — July 26-August 2

91 4003

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that FRANK AND/OR KATHERINE WITHERELL
(name of claimant)
of RT 3, ST. MARIES, ID 83861, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to _____;

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) UNNAMED SPRING

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>0.04</u>	Use	<u>DOMESTIC</u>	Period of Use: From	<u>JAN 1</u>	To	<u>DEC 31</u>
Amount	_____	Use	_____	Period of Use: From	_____	To	_____
Amount	_____	Use	_____	Period of Use: From	_____	To	_____
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)				(both dates inclusive)

(3) Total quantity of water claimed: 0.04 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) 1969

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source)

SE 1/4 NE 1/4, Sec. 29 Twp. 46N Rge. 1E B. M. County of BENEWAH
Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. 4FT X 4FT X 8FT COLLECTION BOX WITH A 550FT PIPELINE TO PLACE OF USE

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
46N	1E	28					X												
46N	1E	29	X																

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: USED FOR HOUSEHOLD USE AND LAWN IRRIGATION

(7) If you are claiming water as a member of an organization, list name of organization: _____

For Department Use Only			
Received by	DR	Date	7-16-73
Prelim. check by	7.2	Date	7/16/73
\$10.00 fee received by	7.2	Date	7/16/73 #10776
Approved for publication by	7.2		
Published in <u>St. MARIES GAZETTE Record</u>			
Dates <u>7-25</u> & <u>8-1-73</u>			
Forwarded to		Exception filed by:	
Date		Claimant by:	

My commission expires Feb. 19, 1975

Residing at St. Maries, Idaho

Notary Public

Theresa C. Frank

1973.

Sworn to before me this 15th day of July

(Claimant)

Richard M. Wallace

~~James B. N. M. Thurst~~

the affiants knowledge,

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of

County of Benewah

SS.

State of Idaho

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

Scale: 2 inches equal 1 mile.

R-1E

T46W

28

R-1

R-1E (NOT TO SCALE)

28

Jan. 8, 1971

To Whom it may Concern.

This is to Certify the
Completion of Water Works
of Frank Dickrell. In the
Permanent concrete structure
4' x 4' x 8 ft deep 3 in walls.
With a removable top for
cleaning, and plastic pipe
buried to residence for
1.0 cubic feet per second, for
domestic use. Sec 29 T. 46 N
R 1 E. B M.

Signed
Catherine Dickrell

Witness:
Wm. Bedwell.
Harold Bedwell
John V. Dammert
Joyce E. Demeritt
John E. M. Smith

RECEIVED

JUL 16 1973

Department of Water Administration
Northern District Office

91 4003

Affidavit of Publication

STATE OF IDAHO
County of Benewah, ss.

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That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

Subscribed and sworn to before me this 10th day of August, 1973

Notary Public in and for Benewah County, Idaho
Residing at St. Maries, Idaho

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AUG 13 1973

St. Maries, Idaho
Benewah County

Notary Public in and for Benewah County, Idaho
Residing at St. Maries, Idaho

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1969; the place of use is within the NW 1/4 NW 1/4, Sec. 28; NE 1/4 NW 1/4, Sec. 28; T. 46N, R. 1E, B.M., Benewah County.

Any exception to the claim of water right may be made with the Idaho Department of Water Administration, 400 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINS

Published in the St. Maries Gazette Record, St. Maries, Idaho on July 26 and August 2, 1973.
No. 2694 - July 26-August 2

91 4003

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

August 15, 1973

Re: Claim to a Water Right No. 91-4003

Frank &/or Katherine Witherell
Route #3
St. Maries, ID 83861

Dear Mr. & Mrs. Witherell:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of a claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we may be of any further assistance, feel free to contact us.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enclosure

91 4003

July 20, 1973

Re: Claim No. 91-4003 - Frank &/or Katherine Witherell

St. Maries Gazette Record
P.O. Box 367
St. Maries, ID 83861

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Fred Eisenbarth
Northern District Manager

Bill submitted 8-13-73 by ch

FE:CR

Enc: Legal Notice

91 4003

St. Maries
GAZETTE RECORD
P. O. Box 367
St. Maries, Idaho 83861

RECEIVED

AUG 13 1973

STATE OF IDAHO
Department of Water Administration
Northern District Office
401 Front Ave., Rm. 209
Coeur d' Alene, Idaho 83814

Department of Water Administration

Department of Water Administration Northern District Office

Northern District Office

401 Front Ave., Rm. 209

Coeur d' Alene, Idaho 83814

8/10/73

RE: Application No. 91-4003 - Frank &-or - 12.60
Katherine Witherell
(July 26 - August 2, 1973)

12.60

91 4003

12.60

NOTICE OF CLAIM TO A WATER RIGHT

NO. 91-4003

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Route #3, St. Maries, Idaho
have ~~xxx~~ filed a claim to a water right established by diversion and application
to beneficial use of 0.04 cubic feet per second ~~acre feet per annum~~
of water from an Unnamed Spring
with point of diversion in the SE1/4NE1/4, Sec. 29, T. 46N, R. 1E, B.M.,
Benewah County
The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes
with a priority of 1969;
the place of use is within the NW1/4NE1/4, Sec. 28; NE1/4NE1/4, Sec. 29, T. 46N,
R. 1E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho
83814.

R. KEITH HIGGINSON

Director

Published in the St. Maries Gazette Record, St. Maries, Idaho
on July 25 and August 1, 1973

91 4003

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R. KEITH HIGGINSON
Director

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No. 2694 — July 26-August 2

91 4003

July 20, 1973

Re: Claim to a Water Right No. 91-4003

Frank Witherell
Route #3
St. Maries, ID 83861

Dear Mr. Witherell:

Attached is your receipt No. 10776 in the amount of \$10 for the filing fee on the above referenced claim which was received in this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enclosure

91 4003